

**REMARKS**

The Examiner's indication of allowable subject matter is noted with appreciation.

Allowable claims 31 and 32 have been rewritten in independent form including all limitations of base claim 12, a feature of intervening claim 27 and intervening claim 29. Independent claim 33 has been revised to better define the claimed invention. Several claims have been cancelled without prejudice or disclaimer. The remaining dependent claims have been amended to depend on independent claim 31 or 33. New claims 36-41 have been added to provide Applicants with the scope of protection to which they are believed entitled. No new matter has been introduced through the foregoing amendments.

The Examiner's decision to withdraw the Restriction Requirement as well as all previous rejections under *35 U.S.C. 112* is noted

The Examiner's objection to Abstract is also noted. Applicants respectfully submit that the Abstract has been placed in compliance with commonly accepted US patent practice by the September 4, 2009 Amendment. Withdrawal of the objection is believed appropriate and therefore respectfully requested.

The objection to claim 32 is believed overcome in view of the above amendments. Withdrawal of the objection is now believed appropriate and therefore respectfully requested.

The *35 U.S.C. 102(b)* rejection of claims 33 and 35 as being anticipated by *Zirps* is believed overcome in view of the above amendments. Specifically, independent claim 33 now includes a feature of claim 27 against which *Zirps* is not applied. Withdrawal of the rejection is now believed appropriate and therefore respectfully requested.

The numerous *35 U.S.C. 103(a)* rejections of independent claim 12 and the respective dependent claims are either moot (because claim 12 has been cancelled) or believed overcome in

view of the change in dependency of all dependent claims on claim 31 or 33. Withdrawal of the rejections is now believed appropriate and therefore respectfully requested.

The 35 U.S.C. 103(a) rejection of claims 33-35 as being obvious over *Lehrke* in view of *Mohr* and *Bowen* is noted. Although Applicants do not necessarily agree with the Examiner's position, amendments have nevertheless been made solely for the purpose of expediting prosecution.

Specifically, **independent claim 33** now includes a feature of claim 27 which is neither disclosed, taught nor suggested by any of *Lehrke*, *Mohr* and *Bowen* as correctly noted by the Examiner in page 13 of the Office Action.

Applicants acknowledge the Office's reliance on *Myers* for a guide rail 48. However, even assuming *arguendo* that *Myers* was properly combinable with the other applied references (which Applicants contend to the contrary), the resulting combination would still fail to teach or disclose the feature of independent claim 33 that

at least one spring acting on at least one of the first and second cam follower sliders and simultaneously urging both said cam followers toward each other to engage the cam surface of said constant velocity cam

The prior art combination, if proper, would include a pump structure in which the *Meyer* guide rail 48 and the sliders 50/46 are used *only* for alignment purposes as disclosed in *Meyer*, at column 3 lines 67-72. There would be no spring in the prior art combination to act on the *Meyer* sliders 50/46 in the presently claimed manner. Further, no person of ordinary skill in the art would have placed any spring between sliders 50, 46 since such spring would be ineffective due to the rigid connection (U-shape) between sliders 50, 46 as best seen in FIG. 7 of the *Meyer* reference.

Accordingly, Applicants respectfully submit that amended independent claim 33 is patentable over the applied art of record.

**Independent claims 31-32** are believed to be patentable over the applied references which singly or in combination do not teach or suggest at least the last limitation(s) of claims 31, 32. The indicted allowable subject matter of previously presented claims 31, 32 is now believed included in claims 27 and 41, respectively.

**The dependent claims, including any new claim(s)**, are considered patentable at least for the reason(s) advanced with respect to the respective independent claim(s).

Each of the rejections has been traversed. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

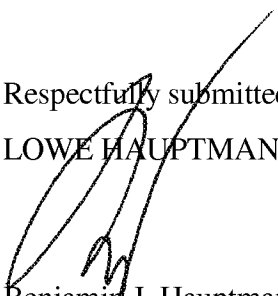
The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

Serial No. 10/596,642

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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